

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RAJAHN BROWN, #59140-056

Plaintiff,

v.

EXECUTIVE OFFICE FOR UNITED
STATES ATTORNEYS,

Defendant.

Case: 1:19-cv-02303

Assigned To : Unassigned

Assign. Date : 7/29/2019

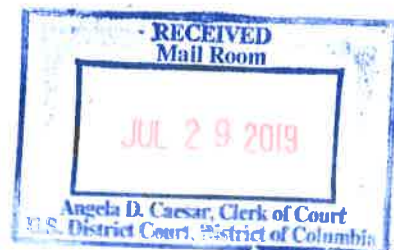
Description: FOIA/Privacy Act (I-DECK)

ORIGINAL COMPLAINT

1. Rajhan Brown, Plaintiff herein, acting in propria persona, seeks to compel the Executive Office for United States Attorneys ("EOUSA") to produce records he requested under the Freedom of Information Act and Privacy Act.
2. This action arises under 5 U.S.C. §§ 552 and 552a, et seq.

PARTIES

3. Mr. Brown is an incarcerated person, who resides at the Federal Corrections Complex, Medium, located in Hopewell Virginia. His mailing address is P.O. Box 1000, Petersburg, VA 23804.
4. Defendant EOUSA is an agency of the Federal Government, specifically the Department of Justice ("DOJ") whose principle location is Washington, D.C. Specifically, 175 N. Street, N.E., 5th Floor, FOIA Suite, Washington, D.C. 20530. The Agency, however, has locations throughout the United States.



JURISDICTION AND VENUE

5. This Court has jurisdiction over this action under 28 U.S.C. § 1331 because the action arises under a federal statute.
6. Venue is appropriate in this Court pursuant to 28 U.S.C. §§ 1391(b) and (e), et seq., because the District of Columbia is a judicial district in which the EOUSA resides and because a substantial part of the acts or omissions giving rise to these claims occurred in the District of Columbia.
7. Alternatively, venue is appropriate in the District of Columbia in accordance with FOIA, 5 U.S.C. § 552(a)(4)(B).
8. The EOUSA is not immune to suits under the FOIA / PA.

ALLEGATIONS

9. In November, 2018, Mr. Brown requested information from the EOUSA relating to their criminal investigation concerning him and records in their possession (Exhibit "A").
10. The EOUSA acknowledged receipt of his FOIA / PA request on March 1, 2019 (Exhibit "B").
11. Due to the lapse of appropriations from December 22, 2018 through January 25, 2019, the defendant acknowledges his request was not reviewed by an official until January 28, 2019 (Id. at 1).
12. The EOUSA assigned tracking number EOUSA-2019-001086 to this request.
13. The defendant found "unusual circumstances" pursuant to 5 U.S.C. § 552(a)(6)(B)(i)-(iii). Accordingly, Mr. Brown extended the time limit to respond for an additional ten

- days pursuant to 5 U.S.C. § 552(a)(6)(B)(i). (Id. at 1.)
14. The EOUSA requested Mr. Brown to modify and narrow the scope of his request to avoid any delays and reduce potential fees. Id. at 2.
15. Mr. Brown mailed a modified request, requesting "entire generated file from the Eastern District of North Carolina." (Exhibit "C".)
16. On June 25, 2019 Mr. Brown mailed a letter to the EOUSA via certified mail (USPS Certified Mail #70180680000027045129) informing them he has not received any response or documents from them as required by statute, and requested a response or documents by July 9, 2019 otherwise he would file a complaint. (Exhibit "D".)
17. As of the filing of this Complaint, Mr. Brown has not received any documents or any final determinations pursuant to his request.

Count One - FOIA / PA

18. Mr. Brown re-alleges and incorporates by reference the allegations contained in ¶¶ 9-17 of this Complaint as if fully set forth herein.
19. 5 U.S.C. § 552(a)(6)(A)(i) requires that the EOUSA make a determination within 20 days ... after receipt of any such request.
20. The 20-day period under clause (i) shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than

ten days after the request is first received by any component of the agency. 5 U.S.C. § 552(a)(6)(A)(ii).

21. The EOUSA failed to make a determination within the statutory provision prior to the lapse of appropriates due to the Government shutdown on December 22, 2018.
22. Notwithstanding ¶ 21, and extension under 5 U.S.C. § 552(a)(6)(B)(i), see ¶ 13, the EOUSA still failed to make a determination within 10 days of receiving his request to modify, which was mailed March 28, 2019.
23. Assuming, aguendo, all time excluded and tolled while corespondence was in transit via postal services and the government shutdown along with all equitable tolling permitted by law, the EOUSA has violated federal statute.
24. As a result of the EOUSA's failure to respond to Mr. Brown's request(s), Mr. Brown is deemed to have exhausted his administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

Relief Requested

25. Mr. Brown respectfully requests the Court order the EOUSA to produce all records as described in his request(s).
26. Mr. Brown respectfully requests the Court to assess the filing fees in this action against the EOUSA pursuant to 5 U.S.C. § 552(a)(4)(E), along with any other costs and / or damages to be proven in association with this action.
27. Mr. Brown respectfully requests and any all other relief as to which the Court may deem just, necessary, and proper.

DECLARATION

The statements made within this verified Original Complaint are made under penalty of perjury, 28 U.S.C. § 1746, and are true and accurate to the best of Mr. Brown's knowledge, belief, and understanding. He has personal knowledge of the facts presented herein.

RESPECTFULLY SUBMITTED, this 15th day of July, 2019.



Rajhan Brown
Plaintiff
in propria persona

Rajhan Brown
#59140-056
FCC Petersburg - Medium
P.O. Box 1000
Petersburg, VA 23804

No Phone, No Fax, No E-mail

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Original Complaint was mailed, postage prepaid, to the following parties:

United States District Court
Office of the Clerk
333 Constitution Avenue, NW.
Room 1225
Washington, D.C. 20001

United States Attorney's Office
555 4th Street, N.W.
Washington, D.C. 20530

Executive Office of United States Attorneys
175 N. Street, N.E.
5th Floor, FOIA Suite
Washington, D.C. 20530

MAILED, this ²⁵15th day of July, 2019.



Rajhan Brown
Plaintiff
in propria persona